

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JUAN M. BANKS,
Plaintiff,

Case No. 1:12-cv-969

vs

Weber, J.
Wehrman, M.J.

EDWARD SHELDON,
Defendant.

ORDER

Plaintiff, who is currently incarcerated at the Southern Ohio Correctional Facility in Lucasville, Ohio, has filed an application to proceed *in forma pauperis* in connection with a *pro se* prisoner civil rights complaint brought under 42 U.S.C. § 1983. (Doc. 1). In the complaint, plaintiff names an official at the Toledo Correctional Institution (ToCI) as the sole defendant. ToCI is located in Lucas County, Ohio. As relief, plaintiff seeks both compensatory and punitive damages. (*See id.*, Complaint).

The venue provision applicable to this action is 28 U.S.C. § 1391(b), which provides that civil suits not based upon diversity of citizenship may be brought only in the judicial district where (1) any defendant resides, if all defendants reside in the same State; (2) a substantial part of the events or omissions giving rise to the claim occurred; or (3) any defendant may be found, if there is no district in which the claim may otherwise be brought. In this case, the defendant resides in Lucas County, and the cause of action arose in Lucas County. Lucas County is located in the Northern District of Ohio. This case therefore is properly venued in the Northern District of Ohio, Western Division, as opposed to the Southern District of Ohio where this Court is located.

Accordingly, the Clerk of Courts is hereby **DIRECTED TO TRANSFER** this case to

the Northern District of Ohio, Western Division, *see* 28 U.S.C. § 1406(a), for ruling on plaintiff's *in forma pauperis* application and all further proceedings.

IT IS SO ORDERED.

Date: January 3, 2013
cbc

s/ J. Gregory Werhman
J. Gregory Wehrman
United States Magistrate Judge